

Application No.: 09/606,350
Office Action Dated: September 9, 2003

REMARKS/ARGUMENTS

Entry of this response and reconsideration and allowance of the above-identified patent application are respectfully requested. This amendment is in response to the Notice of Non-Compliant Amendment dated, February 3, 2004, which indicated that the previous response to the office action filed on December 27, 2003 was non-compliant. The response filed on December 27, 2003 was filed with an Extension of Time Request, and a fee for additional claims, change of inventorship, and extension of time. It is applicants understanding that applicant should not resubmit these documents and fees (as instructed by personnel at the US PTO) and, therefore, applicant has not.

Claims 21-84 were rejected in the office action. Claims 21-37, 39-41, 44, 46, 50, 52-60, 62, 64-76, 78, and 81-84 have been amended herein. No claims have been canceled. Claims 85-90 have been added. Therefore, following entry of the present amendment, claims 21-90 will be pending in the present application.

Claims 21-84 stand rejected under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent Appl. No. 2002/0000468 A1 to Bansal ("Bansal").

Applicant would like to thank Examiner Smith for conducting an in-person interview with applicant. Applicant and Examiner Smith discussed the disclosure of Bansal and Browning in comparison with the claimed invention. Although agreement as to specific claim amendment was not reached, the discussion with Examiner Smith was helpful in facilitating and progressing the prosecution of the present application.

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Briefly, in one embodiment, the present invention provides for a handheld communication device that comprises an audio input device, an audio output device, a user input device, and a processor. The device may include voice recording and reproduction capabilities and an image receiving device. In addition, the device may include a memory for storing information such as information for making a purchase (such as credit card information), destination information, and/or user data (such as the name and/or address of the user). The destination for transmitting data may be determined based on a voice input, an image input, or on information stored in memory. The data may be wirelessly transmitted to a remote device, which, for example purposes only, may be a web server configured to process the sale of the item. The device may form part of a cellular telephone and, therefore, be capable of establishing a voice link over a mobile telephone network for voice communications. Alternately, the device may be integrated into a handheld computer or other portable wireless devices capable of directly accessing the remote computer. Integration into a cellular phone or handheld computer is supported in the application at page 44, line 15 through page 16, line 9 and elsewhere.

Bansal

Claims 21-84 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Bansal. Bansal discloses a Universal Resource Locator (URL) storage device 100 having a scanning element 102 for scanning a code that represents a URL. Para. 13. The device 100 may also include a keypad 110, an audio input/output device 112, and a transmitter 114. Para. 14. A URL is received by the device (such as via scanning the URL or voice input) and stored in memory. Para. 21-23. Upon

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receiving a user input, the URL storage device 100 retrieves the flagged URLs from memory and uploads them through the transmitter 114 to the Internet access device 118. Para. 25, 33, and 51. The internet access device may then access the URL, such as a website, using software resident on the Internet access device 118, such as an Internet browser. Para. 33. The internet access device may then retrieve the information contained at the website corresponding to the URL. Para. 55.

Thus, in summary, Bansal discloses a device that receives a URL and stores the URL in memory. The URL may then be retrieved and transmitted to a local computer (or some other Internet access device), which then retrieves the information at the URL. Therefore, the invention of Bansal does not disclose a handheld device for accessing any device other than the Internet access device. The storage device of Bansal is "to allow users to recall URLs" and communicates only with the local Internet access device. Para. 4. In addition, Applicant submits that Bansal fails to disclose a device that:

- (1) receives information corresponding to an article of commerce;
- (2) stores or transmits any information for making a purchase;
- (3) wirelessly transmits data through a mobile telephone network (as in the case, for example, of a cellular telephone or other such mobile device);
- (4) transmits information to a remote computer configured to process a sale;
- (5) establishes a voice communication link for voice communications;
- (6) is a handheld device that communicates to the Internet or other remote destination.

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Applicant submits that the independent claims, as amended, include one or more of these limitations.

Bansal in Combination

A primary concept of the invention of Bansal is to store the URL in the storage device for upload to the Internet access device. Para. 5. The storage (and later upload) is necessary because the user "may not be able to write down or remember the URLs long enough to enter them into an Internet access device." Para. 4. Consequently, in Bansal the need to upload the URLs to the Internet access device is based on the fact that the handheld device cannot access the Internet. Consequently, Bansal teaches away from directly accessing the Internet or a remote computer (such as a web site) with a handheld device. Therefore, it would be inappropriate to combine the disclosure of Bansal with another device that provides access to the Internet. Thus, none of the prior art cited by the Examiner, alone or in combination, teaches or suggests the claimed invention.

The following remarks provide more detailed explanations as to the patentably distinguishing claim limitations (most of which are due to the amendments herein) on a claim by claim basis for the independent claims.

Independent Claims 21, 23, 52

Independent claims 21, 23, and 52 have been amended to require the computer to which the signal is transmitted be configured to process a sale (such as the sale of an article of commerce). Bansal fails to disclose either the storage device or the internet access device transmitting data to a computer configured to process a sale.

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These claims also require the transmission to the computer configured to process a sale be a **wireless** transmission. Bansal, however, does not disclose any wireless transmissions to a computer configured to process a sale (or any wireless transmission by the Internet access device).

In addition, Bansal fails to disclose a handheld device that (1) transmits a request signal to a remote computer for purchase the article of commerce (Claim 21); (2) determines a destination for the wireless transmission (claim 23); or (3) retrieves information for making a purchase from memory (claim 52).

Independent Claim 31

Claim 31 has been amended to add the additional limitation of storing information for making a purchase in memory. As an example, such information may include credit card information. In addition, the claim has been amended to require retrieving said information for making a purchase from memory and wirelessly transmitting said information for making a purchase to a computer configured to process a sale. As discussed above, Bansal fails to disclose these features.

Furthermore, claim 31 has been amended to include the limitation of establishing a voice communication link through a mobile telephone network and transmitting voice data over the communication link. Bansal also fails to disclose these limitations.

Independent Claims 41, 56, 74, and 81

Claims 41, 56, 74, and 81 now require the device to be handheld and the signal to be transmitted wirelessly to the destination. In contrast, Bansal discloses

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wireless transmission only to the Internet access device (not the destination, which is the URL).

In addition, as amended claims require the signal be transmitted "through a mobile telephone network" such as, for example purposes only, through a cellular telephone network. Bansal, however, fails to any transmission through a mobile telephone network.

Accordingly, applicant respectfully requests withdrawal of the rejection of independent claims 21, 23, 31, 41, 52, 56, 74 and 81. Because a claim that depends from a patentably distinguishable claim is also patentably distinguishable, applicant respectfully submits that claims 22, 24-30, 32-40, 42-51, 53-55, 57-73, 75-80, and 82-90, which depend from the above independent claims, are in condition for allowance.

CONCLUSION

In view of the foregoing, applicant respectfully submits that the present application is in condition for allowance. Reconsideration of the application and an early Notice of Allowance are respectfully requested. In the event that the Examiner cannot allow the present application for any reason, the Examiner is encouraged to contact the undersigned, Mel Barnes at (301) 452-9065 (cell) or mbarnes521@aol.com, to discuss resolution of any remaining issues.

Respectfully submitted,



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